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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,332	02/05/2002	Stuart Baird Revill	9100-8	8820
30448	7590	09/16/2004	EXAMINER	
AKERMAN SENTERFITT			PATTERSON, MARC A	
P.O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	

1772

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,332

Applicant(s)

REVILL, STUART BAIRD

Examiner

Marc A Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date E/S/02
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: There is insufficient antecedent basis for the phrase 'the yarn.' Appropriate correction is required. For purposes of examination, the phrase will be interpreted to mean a pull thread.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Maar (German Patent 2546278B1).

With regard to Claim 1, Maar discloses a sleeve (flexible tube; page 9, line 2 of second paragraph of English translation) of netting (a net; page 10, lines 4 – 5 of first paragraph of English translation) that is elasticated (it consists of threads of a highly elastic material; page 10, lines 12 – 14 of English translation) provided with a seam (a connection between longitudinal threads '4' and an opposite mesh '2' by a pull thread '7' as shown in Figure 1; page 10, lines 17 – 19 of English translation) such that when a product is encapsulated by the sleeve a portion of the sleeve will project from the product (Maar discloses that the sleeve encases the product entirely, because Maar discloses on page 7, lines 7 – 8 of the third paragraph that the product, a roast, has the same structure, the structure of the netting, on its entire surface; because the length

of the pull thread extends beyond the length of the net, as shown in Figure 1, the length of the pull thread also extends beyond the length of the product, and therefore projects from the product because it is displayed outwardly by the product, and it is therefore a portion of the sleeve that projects from the product) and will not become embedded in the surface of the product when it is cooked (in the condition of roasting, the net imparts only an extremely slight radial force so that the net is not pressed into the roasting crust; page 6, final line of the second paragraph; page 7, lines 1 – 3 of English translation).

With regard to Claim 2, the seam disclosed by Maar extends longitudinally of the sleeve offset from the center of the sleeve (the seam extends in the lengthwise direction of the sleeve, as shown in Figure 1, and therefore extends longitudinally; it is also offset from the center of the sleeve because it is in the wall of the sleeve, rather than being located in the center of the inside of the sleeve); the projection is a minor portion, and therefore a small portion of, the width of the sleeve, because it is only the width of a pull thread that is used in making the sleeve; the projection is also isolated by the seam from the remainder of the sleeve (because the pull thread is within the seam, as shown in Figure 1, and the projecting portion is the portion of the pull thread that extends beyond the sleeve, the projecting portion only makes contact with the seam, and is therefore isolated from the remainder of the sleeve by the seam).

With regard to Claim 3, the seam disclosed by Maar is sewn with stitches (the longitudinal threads can consist of stitch wales; page 10, line 6 of English translation) which become undone, and therefore unravel, when pull thread is pulled, because the net is separated when the pull thread is pulled.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 9/7/04

Marc A Patterson
Examiner
Art Unit 1772